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08/426,798	04/24/95	KAWAI H	35G1460

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EXAMINER
GREENING, W

ART UNIT	PAPER NUMBER
2604	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/426,798

Applicant(s)

H. Kawai

Examiner

Wendy Garber

Group Art Unit

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☒ Responsive to communication(s) filed on Mar 31, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's arguments filed 3/31/97 have been fully considered but they are not persuasive.

The Applicant argues that Ishiyama cannot be used against the claims because the memory in Ishiyama stores signals at all times, which is different than the claimed invention. Even assuming that the Ishiyama system does store signals at all times, the claims are written broadly enough to read on this kind of system. It should be noted that the specification states that an image signal is stored only at certain times. However, the claims do not use this kind of language. Claims 1 and 10 require that the system stores an image signal when the predetermined angle is detected. Ishiyama stores a signal when the predetermined angle is detected, even if it also stores signals at other times as well.

For this reason, the rejections will be repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 7-8 and 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Ishiyama.

As shown in figure 1, Ishiyama discloses an image pickup means (1), an image pickup direction switching means (3), a first detection means (14) which detects the angle of the image pickup means, and figure 6 shows a storage means (27). As discussed in the abstract, the storage of the image is controlled based upon whether the camera is angled toward a document or toward a person. Therefore, the storage means stores "the image signal according to the detected angle".

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As stated above, even presuming that the system stores signals at all times, which is not clear, it also stores signals when the camera is at any predetermined location.

Claim 1 has been amended to state that the first detection means detects whether “the detected angle is equal to a predetermined angle”. Since the Ishiyama system is capable of determining whether the camera is viewing a subject as seen in figure 5, or a document as seen in figure 4, and changing its function accordingly, it is inherent that the system is capable of detecting whether the camera has a predetermined angle.

As for claim 2, the second detection means can also be considered as direction detection part (14). If the camera is fixed and not moving, this detection part will detect this. As stated above, the direction of the camera determines how the image is stored in the memory. Similarly to claim 1 above, the system stores signals when the camera is determined to be fixed, even if it also stores signals at other times.

Regarding claim 3, figures 1-4 show a driving means which moves the camera. Although a motor-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input from keyboard 10.

As for claim 4, as stated above, the camera is capable of moving between imaging a document and imaging a person. Images are stored from the camera at all times. Therefore, the time at which the camera changes position from imaging a document to imaging a person is also stored.

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Regarding claim 5, figure 6 shows that the images stored in the memory are read out and displayed. This is done constantly while images are being recorded. As such, the storage means is "controlled" (that is, images are read out) at a time at which the camera is shifted from imaging documents to imaging a person.

Claim 7 is considered substantively equivalent to claim 1 with the additional limitation of a mount table. This clearly shown as element 5 in figure 1. The "predetermined angle" of claim 1 is equivalent to the "direction for picking up said subject on said mount table".

As for claim 8, the control means which reads out the images stored in the memory reads out images continuously as long as they are being recorded. Therefore, the control means "allows" a signal previously stored to be read out when the camera is focussed on an object other than a document (such as a person).

Claim 10 is considered substantively equivalent to claim 1 discussed above.

Claim 11 is considered substantively equivalent to claim 4 discussed above.

Claim 12 is considered substantively equivalent to claim 5 discussed above.

Newly-added claim 13 reads on Ishiyama as well for reasons already discussed. If it stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama in view of Mizoguchi.

Ishiyama does not explicitly state that the storage means includes more than two storage areas. This implies that two or more frames of image data may be stored in the memory.

Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage means in Ishiyama capable of storing a plurality of frames by being divided into a plurality of storage sections.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy Garber whose telephone number is (703) 305-4929. The examiner can normally be reached on Monday-Thursday from 7:15 to 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

WRG
June 26, 1997


WENDY GARBER
PRIMARY EXAMINER
GROUP 2600